IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Crl.MC.No. 2538 of 2007()

CMP.4515/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM CRIME NO.528/2005 OF KUNNAMKULAM POLICE STATION

.....

PETITIONER: ACCUSED

P.M.KABEER, S/O. MOIDU,
PAMPINEZHATH HOUSE, NEAR ORUMANAYUR VILLAGE
OFFICE, ORUMANAYUR P.O., CHAVAKKAD TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: STATE

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2538 of 2007

Dated this the 26th day of September 2007

O R D E R

The petitioner is aggrieved by condition No.2 imposed on the petitioner by the Judicial First Class Magistrate Court, Kunnamkulam while directing the release of an amount of Rs.6,80,000/- which was produced in crime No.528/2005 of Kunnamkulam police station. The said direction obliges the petitioner to produce sureties with solvency certificates to execute the bond for Rs.15,00,000/-.

2. The learned counsel for the petitioner submits that in the same crime, earlier the petitioner had come to this court for modification of an identical condition and this court, by order dated 4/4/2007 in Crl.M.C.No.978/2007 had modified the identical condition imposed earlier on the petitioner.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that condition No.2 imposed on the petitioner as per order dated 10/7/2006 in C.M.P.No.4515/2005 can also be modified.

4. In the result, this petition is allowed. The said condition No.2 is modified. It is directed that it is not necessary to rigidly and ritualistically insist on production of solvency certificates for the bond amount by the sureties. It shall be sufficient, if the sureties are able to satisfy the learned Magistrate that they are solvent and sufficient by production of any appropriate material.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007